

CHAPTER 4

HISTORIC PROPERTIES REGULATION — ARCHEOLOGICAL SITE SURVEYS BY RURAL ELECTRIC COOPERATIVES

H.F. 267

AN ACT relating to the historical division of the department of cultural affairs, including the identification of historic properties by certain rural electric cooperatives and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 303.2, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division. The administrator of the division shall serve as the state historic preservation officer, certified by the governor, pursuant to federal requirements. The recommendations and decisions of the state historic preservation officer shall be subject to the review and approval of the director.

Sec. 2. NEW SECTION. 303.19A Effort required of rural electric cooperatives receiving federal funding to identify historic properties.

1. The state historic preservation officer shall only recommend that a rural electric cooperative¹ constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, as amended, is likely to exist within the proposed route.

2. The state historic preservation officer shall not require a level of archeological identification effort which is greater than the reasonable and good faith effort required by the federal agency. Such effort shall reflect the public interest and shall take into account the likelihood and magnitude of potential impacts to historic properties and project costs.

Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 29, 2011

¹ See chapter 131, §92, 102 herein